IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 28546 of 2007(W)

PETITIONER:

SATHEESH S/O. APPUNNI,
PUTHUKULANGARA HOUSE,
KADALUNDI PO, KOZHIKODE.

BY ADV. SRI.P.CHANDRASEKHAR
SMT.UMA

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, MALAPPURAM.

2. THE TAHSILDAR, THIRURANGADI.

3. THE STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 28546/2007

Dated this the 19th day of October, 2007

JUDGMENT

Ext.P7 is an order passed by the first respondent exercising his power under Rule 27 of the Protection of River Banks and Regulation of Removal of Sand Rule, 2002. Though the petitioner raised several contentions on the merits of the controversy, I do not think it necessary to examine those contentions at this stage. It is the specific case of the petitioner that Ext.P7 order was passed without notice to him or after affording an opportunity of hearing. In the judgment dated 17.9.2007 in W.P.(C).9958/2007 and connected cases, it has been held by a Division Bench of this Court that though there is no specific provision that such opportunity should be given to a person to compliance with principles of natural justice cannot be dispensed with. Since a reasonable opportunity has not been given to the petitioner in this case, I set aside Ext.P7 and direct the first respondent to reconsider the matter after affording an opportunity to the petitioner and pass fresh orders, in accordance with law.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrcs